

ORDINANCE NO. O-2019-84

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A ZONE CHANGE FROM "PMXD-1", PLANNED MIXED-USE DISTRICT-1 TO "PMXD-2", PLANNED MIXED-USE DISTRICT-2 WITH A SITE PLAN ON LOT 42 OF NCB 1546, AND A "PMXD-1", PLANNED MIXED-USE DISTRICT-1 SITE PLAN AMENDMENT ON LOT 43 OF NCB 1546, TWO LOTS CONTAINING APPROXIMATELY 6.69 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND CUMBERLAND ROAD (8389 AND 8591 SOUTH BROADWAY AVENUE). DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning change should be made as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the following zone change is hereby approved as follows:

I. APPLICATION PD19-024

That the following described property, which has heretofore been zoned "PMXD-1", Planned Mixed-Use District shall hereafter bear the zoning classification of "PMXD-2", Planned Mixed-Use District 2 with a site plan on Lot 42 of NCB 1546, and that the existing site development plan is hereby amended on the following described property zoned "PMXD-1", Planned Mixed-Use District 1 on Lot 43 of NCB 1546 by approving the site plan attached hereto as Exhibit "A", to wit:


Two lots containing approximately 6.69 acres of land located at the northwest intersection of South Broadway Avenue and Cumberland Road (8389 and 8591 South Broadway Avenue) and in accordance with Exhibit "A" attached hereto and incorporated herein.

PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning and the Future Land Use Guide to reflect Mixed-Use Center.

PART 3: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be October 11th, 2019.

PASSED AND APPROVED this the 8th day of October A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:

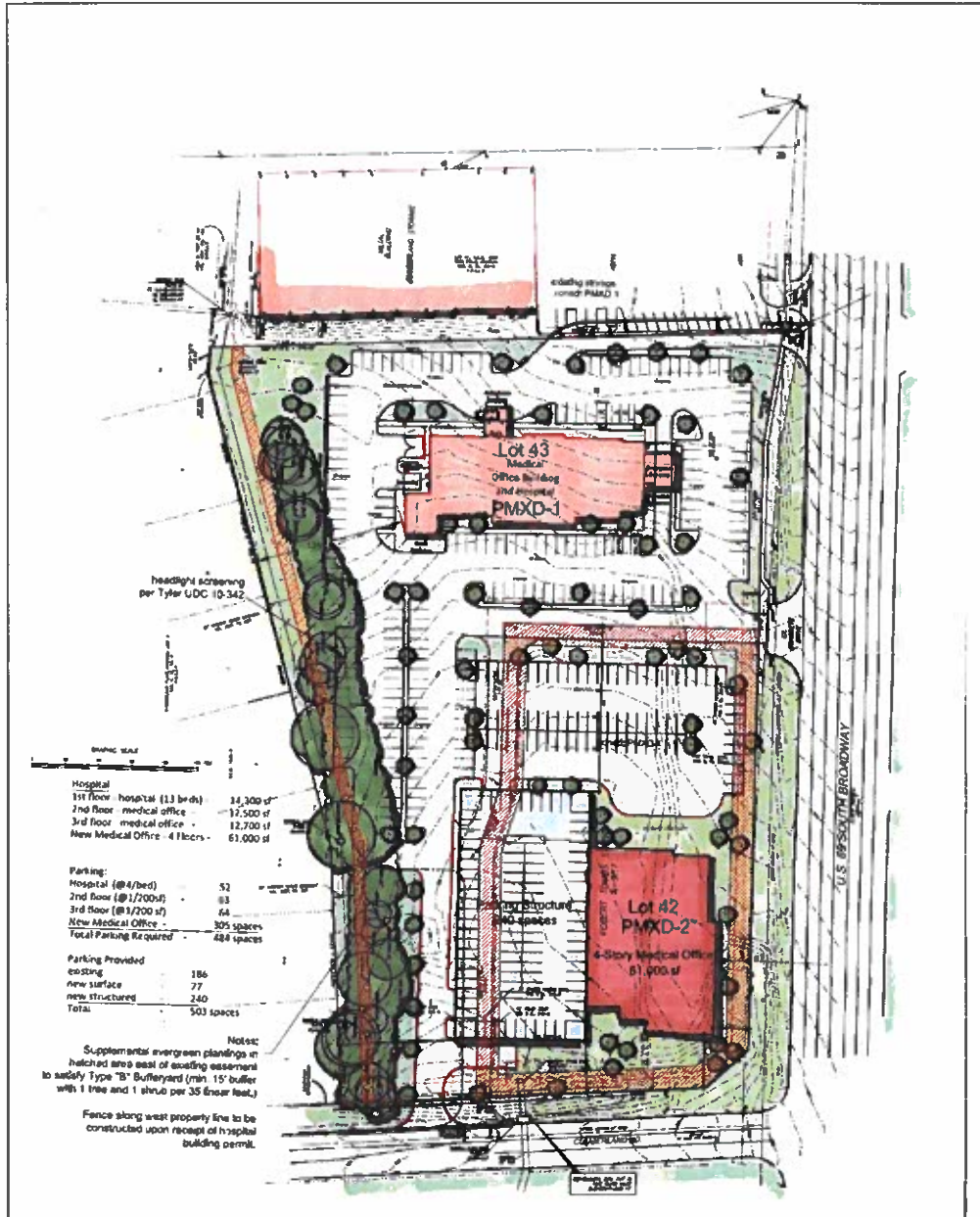


DEBORAH G. PULLUM,
CITY ATTORNEY

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EXHIBIT "A"

SITE PLAN



Additional: Parking structure/garage to have perforated screened coverings over openings facing west (facing the adjacent residential neighborhood). Screening to extend to a height of five (5) feet above the deck of the top floor of the parking structure/garage.

DEVELOPER:
 Hammes Company
 1650 Watermark Dr., Suite 220
 Columbus OH 43215
 (cell) 360.265.9187

site plan prepared by:



SITE INFORMATION:

PROJECT: Existing 3-Story hospital with 12-18 beds and medical office / clinic uses and Proposed 4-Story medical office building with structured parking

ACREAGE: LOTS 42 & 43, NCB 1546 6.68± ACRES

CURRENT ZONING: PMXD-1

PROPOSED ZONING: Lot 43 PMXD-1; Lot 42 PMXD-2

SETBACKS: All sides 25'

HEIGHT: PMXD-1: Four (4) Story / 55' Maximum
 PMXD-2: Four (4) Story / 65' Maximum

SIGNAGE: (per UDC Sign Chart Section 10-409)

Rev: 9-25-2019

PARKING: Required - 484 Provided - 503

parking to be in compliance with the requirements of the Tyler UDC based on approved plans and final square footage / uses.

LANDSCAPING: Landscaping will meet or exceed minimum standards set forth in the Tyler UDC.

SCREENING: 8' privacy fence along west property line will pickets facing hospital (for security)

BUFFERYARD: Type "B" shown with 8' wood privacy fence

LIGHTING: All lighting to be downshielded per the Tyler UDC